

United States Bankruptcy Court
Western District of Michigan
One Division Ave., NW
Room 200
Grand Rapids, MI 49503

IN RE: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Steven A Hinkle
312 Rich St.
Ionia, MI 48846
SSN: xxx-xx-9194
Nancy A. Hinkle
312 Rich St.
Ionia, MI 48846
SSN: xxx-xx-0623

Debtor(s)

Case Number 05-19260-jrh

Chapter 7

Honorable Jeffrey R. Hughes

NOTICE OF HEARING
TRUSTEE'S MOTION TO SELL WOMEN'S JEWELRY

The above motion has been filed with the Bankruptcy Court. Your rights may be affected. **You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)**

If you want the court to consider your views on this matter, attend the hearing scheduled to be held before the Hon. Jeffrey R. Hughes on June 1, 2006 at 1:30 pm at One Division Ave, N.W., 3rd Floor, Courtroom C, Grand Rapids, MI 49503

You or your attorney may wish to file a response explaining your position. Such response should be received at least three business days prior to the scheduled hearing. A copy should also be served upon the party who has filed the motion to his/her attorney. **Please refer to Administrative Order 2004-06 (Mandatory Electronic Filing), effective January 1, 2005, for practices and procedures for filing pleadings with the Court.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

PLEASE NOTE: NOTICE IS HEREBY GIVEN that the court may, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the Clerk's office from the court files or docket.

This Notice has been returned to Larry A. Ver Merris . It is Larry A. Ver Merris (s/'s) responsibility to ensure that service of this Notice and the referenced Motion is made upon the appropriate parties not less than twenty (20) days prior to the date of hearing. (sc)



DANIEL M. LAVILLE
CLERK OF BANKRUPTCY COURT

Dated: April 26, 2006

/S/ _____
Shelli Combs
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In the Matter of:

Steven A. Hinkle and Nancy A. Hinkle,

Case No. HG 05-19260

(Chapter 7)

Filed: October 14, 2005

Debtors.

TRUSTEE'S MOTION TO SELL WOMEN'S JEWELRY

NOW COMES JAMES W. HOERNER, Chapter 7 Trustee herein, by and through his attorneys, Day & Sawdey, P.C., pursuant to the provisions of Bankruptcy Code § 363 and Fed.R.Bankr.P. 6004, and shows unto this Court as follows:

1. Your Movant is the duly-appointed, qualified and acting Chapter 7 Trustee in the above-entitled case, which was commenced by the Debtors through the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on October 14, 2005.

2. Included among the assets in this estate is various women's jewelry, hereinafter described:

- a. Diamond pendant necklace (.50 - .55 carat).
- b. Diamond tennis bracelet (est. @ 2 carats total weight).
- c. Diamond earrings.
- d. Opal ring.
- e. Gold heart diamond pendant.
- f. Gold-plated necklace.
- g. Tanzanite bracelet.

3. Preusser Jewelers of 121 Ottawa Ave., N.W., Grand Rapids, MI 49503, has offered to purchase said jewelry, in bulk, for the sum of \$1,111.80. While the Debtors have valued this jewelry as having an approximate value of \$10,000.00, the Trustee has had the same independently appraised and the above offer is

the highest and best offer he has received for said jewelry, given the quality and condition thereof.

4. The aforesaid property is held free and clear of liens, to the best of the Trustee's knowledge, information and belief. Further, as the Debtors have retained additional jewelry, in satisfaction of their claim of exemptions thereon, the above-described jewelry is held free and clear of any claim of exemptions the Debtors may assert against the same.

5. The above-described jewelry will be offered for sale in bulk in one (1) lot, with bidding commencing at the amount of the bid of Preusser Jewelers; i.e., \$1,111.88. Thereafter, bidding will be in increments of no less than \$100.00, with the initial bid to be at least \$1,300.00.

6. The sale of such property is to be made on a cash basis with the successful bidder being required to tender to the Trustee the amount of the purchase price immediately after the sale has been approved by the Bankruptcy Court. Contingent bids will not be received.

7. The sale of the jewelry will be on an "AS-IS, WHERE-IS" basis, without representation or warranty, express or implied, of any kind, nature or description including, without limitation, any warranties by description or of merchantability, usability, or of fitness for any particular purpose. Further, no representation is made as to the size, quality, color, cut or clarity of any diamonds or other precious stones which are part of such jewelry nor the quality of any gold or other precious metals contained therein. The seller shall not be required to inspect or test or report on the condition of the property being sold or of the existence of any possible defects in the same.

8. The above-described property shall be sold free and clear of any liens or claims thereon, with the interest of any party asserting a lien or claim against such property attaching to the sale proceeds in the same order of rank, validity and priority as they presently may exist against such property. As there are no known liens against this property, any alleged liens would be in bona fide dispute, thus allowing the sale of this property to proceed pursuant to 11 USC § 363(d). All expenses of custody, protection and insurance of such property, as well as the expenses of sale, including administrative and all legal expenses of the bankruptcy

proceeding relating to the protection and sale of said property shall be charged against the sale proceeds with priority over all claims.

9. The Trustee shall have the right to refuse to recommend confirmation of any bid which does not, in his judgment, assure a reasonable monetary return to the estate. Prospective purchasers may make arrangements for examination and inspection of the jewelry by contacting the Trustee's counsel, whose name and address appear at the foot of this Motion.

10. The Trustee will convey his interest in the jewelry by way of the execution of a Trustee's Bill of Sale which shall not contain any warranty language.

11. Your Movant believes the sale of the above-described jewelry to Preusser Jewelers, as aforesaid, or to such other party who may submit a higher offer thereon is in the best interest of the creditors in this estate and should be approved.

WHEREFORE, YOUR MOVANT PRAYS that creditors herein and other interested parties be ordered to object or otherwise show cause, on a time and date certain, why the aforesaid property should not be sold to Preusser Jewelers or to such other party who may make a higher bid thereon; why he should not be authorized and empowered to execute a Trustee's Bill of Sale in connection with such jewelry and such other documents as are necessary in order to transfer title and ownership to the highest bidder; and why he should not be granted such other and further relief as this Court might deem just, equitable and proper.

Dated: April 24, 2006

DAY & SAWDEY, P.C.
Attorneys for Trustee

By _____/s/_____
Larry A. Ver Merris (P-29093)

Business Address:
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